

To his Grace, His Majesties high Commissioner, and the
Right Honourable the Estates of Parliament.

The PETITION of

*The Hospital of the Merchants, and Trades of Glasgow as
Assigney, made by John Craig Merchant there.*

Humbly sheweth,

THat the Magistrats of *Irwing* having in the Moneth of *January* 1688, borrowed from the said *John Craig*, the Sum of 3000 Merks, they with their Town Council gave Bond for the same; but the succeeding Magistrats in the year 1690, having given in a Petition to the Parliament, Representing, That the Magistrats who granted the said Bond, were imposed upon the Town by the late King *James*, contrair to Law; And therefore craving that the Town might be freed of this Debt, and the Granters of the Bond and their privat Fortunes declared to be only therefore lyable: The Petition was remitted to the Committee of Fines and Forefaulters, who having appointed these former Magistrats to be cited, the succeeding Magistrats did also procure a Warrant for citing the said *John Craig* tho no ways concerned in the Controversie that was betwixt them, nor did they indeed insist before the Committee against *John Craig*, but only against the former Magistrats; But when the said *John Craig* came thereafter to charge the succeeding Magistrats for the payment of his Money, they suspended upon this Reason, that *John* the Charger had been cited before the said Committee, and that the Matter was *Lis pendens* before the Parliament, upon which the Lords of Session demurred, and left the Determination of the matter to this High Court of Parliament, where it still depends; But the said *John Craig* having now assigned the foresaid Bond to the Hospitals of *Glasgow*: It is humbly represented in behalf of the said Hospitals, that *John Craig* lent his Money *bona fide*, to the Town of *Irwing*, upon the Faith and Bond of the Magistrats and Council, who were in the Government of the Burgh for the time; he neither did know, nor was obliged to notice any thing of the illegal Imposing of these Magistrats and Council upon the Burgh, nor was he concerned what way they employed the Money, whether for the Towns use or not, it being sufficient for all persons that lend Money to Burghs, that the Magistrats who for the time represent the Burgh give Bond for the same, by warrant of their Town Council; And it is well known, that Magistrats were imposed by the late King *James* upon many others Burghs, and yet the Debts contracted, and other Deeds done by them, as representing the Burgh, were never on this account questioned; & it were indeed a strange Paradox, if either the illegal imposing, or undue Election of Magistrats should make either their Bonds or Deeds, while in peaceable possession of the Office, null and void, but on the contrary, these Debts and Bonds do certainly oblige the Burgh, and although the Magistrats the Granters thereof



thereof should be turned out, yet the Burgh is still unquestionably bound, or otherways the Credit, and even the Government of all the Burghs of Scotland should be rendred doubtful and ruined: But seeing that the Lords of Session have demurred to proceed in the said matter, and that upon a Petition given in by the said John Craig the last Session of Parliament; Craving, that he might be remitted to the Lords of Session, to discuss the foresaid Suspension. The Parliament did by their last Deliverance upon the 4th of May 1693. ordain the Cause to be discuss the 12th. day of the same Moneth, which yet by reason of other Business was never since called, and that your Grace and Lordships cannot but be convinced, that it's a hard case, that a privat Bond or Debt of this kind should be so long delayed and put off, upon the foresaid Contest betwixt the former and succeeding Magistrats, wherein neither John Craig nor the Hospitals his Assigney are at all concerned.

May it therefore please your Grace, and the Honourable Estates of Parliament, either to call & determine the said Action, or otherwise to remit to the Lords of Session, to discuss the foresaid Suspension, notwithstanding of any Citation given to the said John Craig to appear before the Parliament or Committee, and without regard to the Controversie betwixt the succeeding and former Magistrats about the Towns Relief, wherein your Petitioners are no ways concerned; and this the Parliament are humbly intreated to do, both because of the concern of the poor Hospitals, and that the Case is plainly depending by the said last Minut lying in Process, and that the Town of Irving is represented by their Commissioner present.

And your Grace and Lordships Petitioners shall ever pray.

Petitioners
James
of Glasgow
Against

The Magistrates of Irving